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File No. Wild Birds & Animals II/52(R)

Legal Department.

B. BRANCH

P. 2(E)

Subject:—

Rules under the Wild Birds and Animals Protection Act, 1912.

File No. Wild Birds & Animals II/52(R)

Gen. 194 e.

288-B

Legal Department.

Draft rule II(7) at p. 3 ante.- Attention is invited to the remarks made on this draft rule in R.L.A's opinion No. 20351 dated 20th December 1951 at page 71 ante. For the reasons stated therein the draft rule was deleted. The draft rule may be inserted as sub-rule (14) at the end of draft rule 3 at page 83 ante in the following form, namely :-

"(14) All licences shall ordinarily be valid throughout the State, except in such areas as may be notified by the Wild Life Preservation Officer, from time to time, as Game Blocks closed for hunting generally or in respect of any specified wild animals or birds".

Draft rule III (6) at p.5.- Existing sub-rules (6) to (8) of draft rule 4 at page 85 ante may be renumbered as sub-rules (7) to (9), respectively, and the proposed rule may be inserted as sub-rule (6) in the following form, namely :-

"(6) When hunting or trapping any wild animal or bird the licensee shall carry with him his licence and shall, on demand by any officer authorised in this behalf under section 44, produce it for inspection."

Draft rule III (10) at p. 7.- These rules are being made under the Bombay Wild Animals and Wild Birds Protection Act, 1951. In such rules it would be out of place to say that a licensee entering a reserved or protected forest will also be subject to the provisions of the Indian Forest Act, 1927. It is implied that if a licensee contravenes the provisions of any other law he will be liable to punishment under that law. This position has been made clear by section 47 of the Act of 1951. The proposed rule cannot, therefore, be included in the draft rules.

Draft rule IV (11) at p.9.- It will be seen from the remarks made in R.L.A's opinion No. 20351 dated 20th December 1951 at page 72 that this draft rule was deleted in view.....

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in view of the warning given by the Government of India in its letter dated 18th July 1951 (copy at p. 75 ante). The proposed draft rule, if considered as absolutely necessary, may be inserted as sub-rule (9) at the end of draft rule 5 at page 89 in the following form, namely:-

"(9) The licence holder shall give the details of any Big Game or Special Big Game shot and captured by him to the local Forest Officer on the spot and shall, in addition, report the same to the Conservator of Forest, within a week from the date of his departure from the Game Block."

Sd/- J.R.Dhurandhar,
15/2.

Additional Secretary to Government.

Shri J.A. Singh,

Director of Civil Supplies (Fuel),

Civil Supplies Department.

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